

[Submitting Counsel on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE JUUL LABS, INC.,
MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY
LITIGATION

Case No. 3:19-md-02913-WHO

**FEE COMMITTEE'S TRIBAL ALTRIA
SETTLEMENT FEE AND EXPENSE
RECOMMENDATIONS AND SECOND
SUPPLEMENTAL EXPENSE
RECOMMENDATIONS**

This Document Relates to:

All Cases

**Judge: Hon. William H. Orrick
Date: November 6, 2024
Time: 2:00 PM
Ctrm.: 2 (by Zoom)**

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE that on November 6, 2024, at 2:00 PM, in Courtroom 2 (via Zoom) of this Court, located at 450 Golden Gate Avenue, 17th Floor, San Francisco, California, the Court-Appointed Fee Committee, will and hereby does move for an order accepting the Fee Committee's Tribal Altria settlement fee and expense recommendations and second supplemental expense recommendations.

1 **I. INTRODUCTION**

2 The Court-Appointed Fee Committee (ECF 4068), submits this set of recommendations
3 concerning: (1) fees and expenses in connection with the settlements between the Altria
4 Defendants and the tribal Plaintiffs; and (2) second supplemental expense payments. The
5 recommended tribal fee and expense allocations, by firm, are attached as **Exhibit 1**. The
6 recommended supplemental expense reimbursements, by firm, are attached as **Exhibit 2**.

7 **II. BACKGROUND**

8 The personal injury, government entity, and class settlements with the Altria Defendants
9 reached during the *SFUSD* bellwether trial did not include the tribal Plaintiffs. Those Plaintiffs
10 continued litigating against Altria, including obtaining additional document productions from the
11 defendants, completing fact document and deposition discovery for three bellwether plaintiffs,
12 preparing bellwether expert reports, and defending expert depositions. London Decl. ¶ 4. This
13 work was undertaken by the Tribal Leadership Committee, consisting of Hobbs Straus, Lieff
14 Cabraser, Frazer Law, and Sonosky Chambers. *Id.* ¶ 5. Three of these firms – Hobbs, LCHB, and
15 Frazer – also each contributed \$250,000 to a tribal litigation fund to pursue the Altria-tribal cases
16 without the need for any additional contribution from the rest of the PSC. *Id.* ¶ 6.

17 As a result of those efforts, the tribal Plaintiffs reached a settlement of all litigation tribal
18 Plaintiff claims. *Id.* ¶ 7. That settlement is expected to generate, under CMO 5(A), maximum
19 common benefit fees of \$1,187,500 and common benefit costs up to \$475,000 (with the final
20 amounts subject to certain conditions). *Id.* The Tribal Leadership Committee recommended to the
21 Court-appointed Fee Committee how to allocate the fees and expenses derived from the
22 settlement, recommendations the Fee Committee accepted. *Id.* ¶ 8. The Fee Committee
23 communicated the recommendations to all affected firms and invited any firm with questions or
24 concerns to discuss with the Committee. *Id.* ¶ 9. One firm reached out with questions. The Tribal
25 Leadership Committee, with approval of the Fee Committee, took account of those questions in
26 crafting the final allocation *Id.* ¶ 10.

1 **III. THE FEE COMMITTEE RECOMMENDS THE COURT AUTHORIZE THE**
 2 **TRIBAL FEE AND EXPENSE PAYMENTS IN EXHIBIT 1.**

3 The Fee Committee recommends allocating the common expenses, and whatever portion
 4 of the common benefit fees is necessary, first to pay or reimburse expenses incurred in litigating
 5 the tribal Altria claims (including the \$750,000 in tribal litigation fund contributions the Court
 6 previously authorized reimbursing out of the general cost funds, ECF 4239). This includes
 7 requested authorization to pay any further Shared Costs incurred in administering the tribal
 8 settlements. The Fee Committee then recommends allocating the remaining fee funds available
 9 among the Tribal Leadership Committee Firms. The recommended tribal allocations are set out in
 10 **Exhibit 1.**

11 **IV. THE FEE COMMITTEE RECOMMENDS THE COURT AUTHORIZE**
 12 **REIMBURSEMENT OF INCURRED EXPENSES.**

13 Since the Court approved the Fee Committee's First Supplemental Expense
 14 Recommendations, firms have reported (and Judge Andler has approved) an additional
 15 \$12,682.63 in held costs. London Decl. ¶ 12. The Fee Committee recommends approval of those
 16 costs for reimbursements. Those amounts, by firm, appear in **Exhibit 2.**

17 **IV. CONCLUSION**

18 The Fee Committee respectfully recommends the Court authorize the fee and cost
 19 payments described in **Exhibits 1 and 2.**
 20
 21
 22
 23
 24
 25
 26
 27
 28

1 Dated: September 27, 2024

Respectfully submitted,

2 By: /s/ Sarah R. London

3
4 Sarah R. London
5 **LIEFF CABRASER HEIMANN &**
6 **BERNSTEIN**
7 275 Battery Street, Fl. 29
8 San Francisco, CA 94111
9 Telephone: (415) 956-1000
10 slondon@lchb.com

11 By: /s/ Dena C. Sharp

12 Dena C. Sharp
13 **GIRARD SHARP LLP**
14 601 California St., Suite 1400
15 San Francisco, CA 94108
16 Telephone: (415) 981-4800
17 dsharp@girardsharp.com

18 By: /s/ Dean Kawamoto

19 Dean Kawamoto
20 **KELLER ROHRBACK L.L.P.**
21 1201 Third Ave., Ste. 3200
22 Seattle, WA 98101
23 Telephone: (206) 623-1900
24 dkawamoto@kellerrohrback.com

25 By: /s/ Ellen Relkin

26 Ellen Relkin
27 **WEITZ & LUXENBERG**
28 700 Broadway
New York, NY 10003
Telephone: (212) 558-5500
erelkin@weitzlux.com

Co-Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will automatically send notification of the filing to all counsel of record.

By: /s/ Sarah R. London
Sarah R. London